

As new housing law takes effect, most towns fall in line, for now

Just seven out of 175 communities that had to submit preliminary plans for new MBTA zoning law failed to do so by deadline earlier this week.

By [Andrew Brinker](#) Globe Correspondent. Updated February 3, 2023, 5:36 a.m.



Middleborough was one of seven towns impacted by the MBTA Communities law that failed to submit an "action plan" detailing how they'll implement the required zoning changes by this week's deadline. THE BOSTON GLOBE/GLOBE FREELANCE

Just seven towns impacted by the MBTA Communities law - the new state effort that mandates communities with access to public transit allow for more multifamily housing - failed to submit an "action plan" detailing how they'll implement the required zoning changes by this week's deadline, the Department of Housing and Community Development said Thursday.

Those towns - Berkley, Carver, Holden, Marshfield, Middleborough, Raynham, and Seekonk - are now considered noncompliant, meaning they may lose access to state infrastructure grants, as well as a chunk of funding for their housing authorities.

To remain in compliance, communities simply needed to submit a six-page form identifying how they might meet the new requirements, like creating a new zoning district or rezoning an existing one. But pushback against the law and the housing it seeks to encourage has been strong, raising questions about whether some communities may simply flout the requirements and absorb the consequences, an idea several town and city level officials have publicly considered.

So far, at least, the threat of budget cuts seems to have outweighed most suggestions of defiance.

"The consequences [of not complying] are far greater for the impacted communities than any noise that's made by residents as a result of them submitting this form," said Clark Ziegler, executive director of the Massachusetts Housing Partnership. "That's good, and it's gotten them to get the ball rolling, to start thinking about how they want their town to grow."

DHCD is now in the process of reviewing and approving the action plans.

Prior to this week's deadline, several much larger communities, such as Waltham, had failed to meet an earlier requirement to submit an even shorter form to DHCD. In return, the state cut allocations to their housing authorities, enraging some local officials. All of those cities and towns then submitted action plans, bringing them back into compliance, DHCD said. That means their housing authority budgets - which were set to be cut by a significant amount - are safe.

A spokesperson for DHCD did not immediately confirm if the towns that did not submit action plans - six of which have housing authorities - will be subject to the same budget reductions.

Now comes the hard part.

There are no more deadlines until the end of this year, when communities served by the T's rapid transit system - the Red, Orange, Blue, and Green Lines - must submit their finalized zoning changes to DHCD. Two of those cities - Quincy and Cambridge - have to create zoning that allows for more than 10,000 new units. The following year, it'll be the turn of cities and towns served by Commuter Rail, as well as their immediate neighbors.

It's a big lift on a relatively short deadline, especially considering how long zoning changes typically take towns to draft and implement. Even in communities that already have zones permitting multifamily housing by-right, planners still aren't quite sure if their rules fit within the state's parameters, something DHCD will seek to clarify in the coming months.

Despite hurdles like that, meeting the coming deadlines is certainly achievable, said Jesse Kanson-Benanav, executive director of the advocacy group Abundant Housing Massachusetts. And it's the kind of pace the state should be setting for big moves to address the housing shortage.

"We need a lot more units, and we need them as quickly as we can responsibly build them," said Kanson-Benanav. "We can't keep waiting around and letting towns take this at the pace they have been. Clearly, that's not working."

And he said the fact that just seven communities are out of compliance is reason for optimism.

"It means we're heading in the right direction," said Kanson-Benanav.

Andrew Brinker can be reached at andrew.brinker@globe.com. Follow him on Twitter at [@andrewnbrinker](https://twitter.com/andrewnbrinker).

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